

REMARKS

The Office Action dated December 30, 2003 presents the examination of claims 1-4, 6-7, 11-12, 14-16, 18, 20, and 24. Claims 6-7, 11-12, 14-16, and 24 are allowed. Claims 1 and 20 are amended. Claim 25 is added. Support for claim 25 is found in the specification, such as in the listing of substituents on pages 13-14. No new matter is inserted into the application.

Rejection under 35 U.S.C. § 102

Henle '611

The Examiner maintains the rejection of claims 1-4 and 20 under 35 U.S.C. § 102(b) for allegedly being anticipated by Henle '611 (U.S. Patent 5,693,611). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Claims 1 and 20, as amended, do not encompass the compounds disclosed by Henle '611. In particular, the amended claims do not recite the compound of Example 6 disclosed in Henle '611.

For this reason, Henle '611 fails to anticipate the present invention. Withdrawal of the instant rejection is therefore respectfully requested.

Lowe '766

The Examiner maintains the rejection of claims 1, 3-4, 18, and 20 under 35 U.S.C. § 102(b) for allegedly being anticipated by Lowe '766 (WO 98/24766). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Claims 1 and 20, as amended, do not encompass the compounds disclosed by Lowe '766. In particular, the terms "a single bond" and "-CH₂-" are deleted from the definition of X. As such, Examples 1 and 3 disclosed in Lowe '766 do not fall within the scope of the amended claims.

For this reason, Lowe '766 fails to anticipate the present invention. Withdrawal of the instant rejection is therefore respectfully requested.

Conclusion

Applicants respectfully submit that the above remarks and/or claim amendments render the present application into condition for allowance. The Examiner is respectfully requested to issue a Notice of Allowance indicating that claims 1-4, 6-7, 11-12, 14-16, 18, 20, and 24 are allowed.

Application Number 09/980,475
Attorney Docket Number 0032-0264P


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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